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South Consulting - 7th Review Report - Annex 3: Long Standing Issues and Solutions Report on Status of Implementation

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Annex III - Agenda Item 4: Long Standing Issues and Solutions

Report on Status of Implementation

(Matrix on Progress in implementation)

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
Constitutional reform:	Consultation with stakeholders.	Consultation launched and review statutes enacted by end of August 2008.	Initial consultations between civil society organisations and the Ministry of Justice, National Cohesion and Constitutional Affairs over content of the review statutes undertaken in August and October 2008	Review Statutes in place and operational.
	Parliament to enact constitutional review statute.		Review Acts – Constitution of Kenya Amendment Act, 2008 and Constitution of Kenya Review Act, 2008 enacted in December 2008	A number of civil society organizations wanted some aspects of the Act amended. This was not implemented.
	Draft constitution prepared in a consultative process, with expert assistance.	Constitutional reform to be completed in 12 months from the date of enactment of statute.	<p>Process of selecting experts to assist in the review process instituted in December 2008. Committee appointed, sworn in and commenced its work in March 2009 and in May published the three contentious issues. COE released the Harmonized Draft to Public November 17, 2009; Public completed inputting on Draft December 17, 2009. COE integrated public views and presented the Draft to PSC, who have agreed on the contentious issues and presented the draft to the COE for finalization and presentation to Parliament.</p> <p>The CoE presented the final harmonized draft</p>	These developments in the review process give the country a renewed optimism that a new constitution is possible.

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>constitution to the Parliamentary Select Committee on 24th Feb. 2010. On 3rd March 2010, the Parliamentary Select Committee on the Constitution tabled the proposed draft constitution in Parliament for debate and subsequent adoption. Parliament had 30 days to debate the draft which period ended on 2nd April 2010.</p>	
	Parliament to approve		<p>Parliament eventually debated and approved the proposed constitution without amendments. No amendments passed due to failure of parliament to garner the requisite number of 145 MP's to pass any amendments.</p> <p>The Attorney General Amos Wako published the proposed constitution on May 6, 2010.</p> <p>The Committee of Experts began the National Civic Education Drive on May 11, 2010.</p> <p>Civic education campaign is themed: <i>Jisomee, juamulie, jichagulie</i>. (Read, decide, and choose).Civic education came to an end on June 30, 2010.</p> <p>The IIEC published the question for the referendum in consultation with the PSC on May 10, 2010 as required by law and with publication of the question of May 12, 2010</p>	Referendum on the Proposed Constitution scheduled for 4 August

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			vide gazette notice number 5075. The IIEC set the official campaign for the PCK to run from July 13-August 2, 2010 June 2010, IIEC Finalizes new voter registers. Voters given up to July 9, to verify names.	
	People to enact through a referendum		Largely dependent on finalisation of the review process.	By August 4, the review will be behind schedule by one year. But progress made is relatively fast compared to past initiatives
Institutional reform: Judiciary	Constitutional review to anchor judicial reform measures including: (a) <ul style="list-style-type: none"> (i) Financial independence (ii) Transparent and merit based appointment, discipline and removal of judges (iii) Strong commitment to human rights and gender equity (iv) Reconstitution of the Judicial Service Commission to include other stakeholders and enhance independence and autonomy of the Commission (b) Enact Judicial Service	Constitution to be adopted in 12 months	Partly dependent on enactment of a new constitution. The draft constitution has key amendments incorporating an effective Judicial Service Commission and an independent Judiciary. The Task Force on Judicial Reforms was established in May 2009 to advice on judicial reforms and their implementation. The Taskforce presented its final report in August 2009 to the government. Currently, the taskforce has been has been reconstituted to include politicians and key stakeholders in a bid to legitimize the report before implementation.	
			August 2009: Judiciary launched a Peer Review Mechanisms (introduced through the Transparency Mechanisms project) aimed at increasing efficiency in dispensation of	Judiciary has not yet enacted a Judicial Service Commission Act and a clear policy streamlining the

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	Commission Act, with provisions for (i) Peer review mechanisms (ii) Performance contracting (c) Streamline the functioning of the legal and judicial institutions by adopting a sector – wide approach to increase recruitment, training, planning, management and implementation of programs and activities in the justice sector		Justice. March 20, 2009: The Judiciary finalized and launched its 2009-2012 Strategic Plan to address the institution’s image and restore public confidence. The plan identifies the enactment of the Judicial Service Bill, improving human capacity within the Judiciary and establishing a communication department as important objectives. August 2009: The appointed of the Political Parties’ Disputes Tribunal to unclog the courts and ensure a quicker dispensation of Justice. January 2010: Judiciary is installing information technology in all judicial departments across the country. The installation of video conferencing equipment will enable magistrates handle prison cases from their offices. This will expedite the hearing of cases, enhance security and save transportation costs. May 2010: Implementation of ongoing ICT programmes.	functioning of the legal and judicial institutions. The Judiciary has continued to resist performance contracting.
Institutional reform: Police	Constitutional review to establish an Independent Police Commission	Constitution to be adopted in 12 months Review process to be completed within 6 months	The Proposed constitution makes key provisions for an independent and accountable police force partly in line with the recommendations of the Ransley Report on Police reforms. Proposed Constitution also provides for the vetting of presidential appointees to head the	Delay in enactment of a new constitution could derail police reforms.

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>Review laws and issues related to security and policing (including independent complaints commission, citizen oversight of police services, enhanced information disclosures, human resource management and capacity building) to make them consistent with modern democratic norms.</p> <p>Finalise and roll out a national security policy to enable relevant sector develop their specific sectoral policies.</p> <p>Recruit and train more police officers to raise the police-to-population ratio to the UN standards.</p>	<p>Recruitment and training to be completed by 2012</p>	<p>police force. The regular and administration police have been kept as separate forces but with one head termed the Inspector General.</p> <p>September 2008: A Police Civilian Oversight Board was established to investigate the conduct of the police.</p> <p>May 2009: The National Task Force on Police Reforms was launched, held public forums and submitted its final report to the government.</p> <p>Some administrative reforms have been undertaken (removal of the Commissioner and the transfer of senior officers)</p> <p>In June 2009, additional police officers were recruited.</p>	<p>Implementation of a clear definition of the role of the Administration Police is still pending.</p> <p>Review of laws and issues related to security and policing to make them consistent with modern democratic norms is still pending.</p> <p>The police force population ratio is yet to reach the UN's 1:400 standard.</p> <p>Formulation of a National Security Policy has not yet been done.</p> <p>September 2009: The AP Commandant suspended recruitment of officers to allow for retraining. The Kenya police has also suspended recruitment.</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>Formation of the Police Reforms Implementation Committee (PRIC) was gazetted on January 12, 2010. The 15 man team is led by the Kenya airways Managing Director Taitus Naikuni started its work in April, 2010; April 29, PRIC holds a stakeholders meeting.</p> <p>May 2010: PRIC embarked on drafting of new laws as well as recommending amendment of existing ones. The laws include the Police reforms Bill which covers all police reforms including Police Service, The Private Security Providers Bill which seeks to harmonize the work of the police force with that of private security providers, the Coroner's Bill which seeks to relieve the police of the responsibility of handling the dead.</p>	
Institutional reform: Civil service	Parliament to pass bill incorporating civil service reform measures from past draft constitutions.	Review to be completed within 6 months upon enactment of a new constitution Performance contracting to be entrenched in the constitution	Partly dependent on enactment of a new constitution. Performance Contracting and Results- Based Management (RBM) have become routine and are continuously being undertaken in the Civil Service. Performance contracting is currently in its sixth cycle. Framework for declaration of incomes and liabilities being implemented.	Parliament is yet to pass a Bill incorporating civil service reform measures from past draft constitutions. The Judiciary and Parliament have not yet embraced Results- Based Management (RBM) and Performance Contracting. Review the Anti-Corruption and Economic Crimes Act 2003 and the Public Officer

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
				Ethics Act 2003 not yet done
	Appropriate constitutional and legal reforms will be undertaken to facilitate parliamentary vetting of senior public appointments		Real reforms to be facilitated by a new constitution.	Delay in enactment of a new constitution may delay this process
	New legislation on whistle blower protection, freedom of information and operationalisation of the Witness Protection Act, 2006		<p>Programme to operationalise the Witness Protection Act, 2006 was launched in May 2008. The Witness Protection Unit officially launched in March 2009.</p> <p>A new Witness Protection (Amendment) Bill, 2010 was introduced in parliament on March 31, 2010 after being endorsed by the cabinet in February 2010. The bill seeks to establish an agency to protect whistle blowers and witnesses and further creates a witness compensation fund which will be run by the proposed Witness Protection Agency. April 6, 2010 Parliament passes the Witness Protection (Amendment) Act</p>	The full operationalisation of the new bill is paramount in encouraging key witnesses in sensitive cases to provide crucial evidence.
	Review Standing Orders to ensure parliamentary oversight over membership of committees is based on competency and integrity		There are new Standing Orders in operation and which have enhanced parliamentary procedure in parliament. This rules guided parliament successfully as it debated the proposed new constitution.	This depends on operationalisation of the new Standing Orders.

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>Review recruitment legislation to institutionalize national character in the Public Service.</p> <p>Continue with on-going administrative and financial reforms.</p>		<p>January 2010: Performance contracting is extended to more departments; recent inclusions being Ministry of Foreign Affairs and Public Service Commission. To date over 151 State corporations, 175 local Authorities, and 68 tertiary institutions have accepted performance contracting.</p> <p>February 2010: The Public Service Reforms and Performance Contracting division prepared an incentives and sanctions bill which is yet to be tabled in parliament.</p> <p>Jan – March 2010: Ongoing civil service administrative measures included the entrenchment of ICT where services will be rendered to citizens electronically to save on time and ease incidences of corruption. So far 16 government institutions were already utilizing the SMS system of inquiry and response on government services</p> <p>Continuous training of civil servants in relevant courses such as corporate governance and continuous application of Results Based management mechanisms and Rapid Results Initiative has enhanced service delivery and performance in the civil service.</p> <p>May 2010: Ongoing civil service administrative measures included the entrenchment of ICT. Some administrative reforms have been halted awaiting the passing of the new constitution.</p>	

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
Institutional reform: Parliament	Comprehensive review of parliamentary standing orders and procedures to enrich quality and output of parliamentary debates and strengthen multi-party democracy	Review to be completed within 6 months	New Standing Orders adopted in December 2008 aimed at increasing transparency and accountability in parliamentary work. June, 2009: MPs passed a motion to set up a mobile parliament. February 2009: Parliament strengthened its research center to offer services to parliament and other users. Three new researchers were recruited. May, 2009: Parliament launched House Live Broadcast (HLB) May 2009: Parliament passed the Fiscal Management Bill 2008, allowing Members a say in the drawing of the National Budget July 2009: Parliamentary Committees opened doors to the public and the media.	The Standing Orders propose far reaching parliamentary reforms. Aspects such as number of parliamentary committees could be challenging to implement. The reform could also be undermined by divisive politics and lack of political good will
	Parliament's Research Centre to be strengthened Live coverage and electronic voting to be introduced Review Standing Orders to create a Monitoring and Implementation Committee, enhance oversight role of Parliament over the national budget Improve transparency of MPs by creating a register of interests and opening up Parliamentary Committee work to the Public			November 2009: A commission set up to look into the remuneration and allowances of MP's handed over its report to the National Assembly speaker

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>President Kibaki recalled parliament on 3rd February 2010 in a bid to have it debate the draft constitution. This marked the start of the fourth session of the 10th parliament on February 23rd 2010. Traditionally, MP's resumed meetings in mid or late march.</p> <p>April 2010: Parliament prepared for the implementation of the Proposed Constitution of Kenya as the Parliamentary Service Committee dispatched MPs to different countries to study how the system of government provided in the proposed constitution would work.</p> <p>June 30, 2010: Parliament adopts the Akiwumi report, improving on their salary. MPs to pay more taxes</p>	
Land Reform.	<p>Constitutional review to address fundamental issues of land tenure and land use, and the finalization of the draft National Land Use Policy and enactment of attendant legislation.</p> <p>Land laws to be harmonized into one statute to reduce multiple allocations of title deeds.</p> <p>Establishment of a transparent, decentralized, affordable and efficient GIS-based Land Information Management System and a GIS-based Land registry at the Ministry of Lands including all local authorities.</p>	<p>Land reform process to be factored in the constitutional review process within 12 months</p>	<p>Main aspects on land reform depend on the enactment of a new constitution. The proposed draft constitution has provided for a national land commission to oversee land reforms.</p> <p>May 2007: The Draft National Land Policy was completed and subjected to stakeholder discussions in the year 2008. June, 2009: The Cabinet approved the National Land Policy which Parliament passed in December 2009. Laws to implement the policy are also in the drafting stage coordinated by the ministry of lands and the Law reform commission.</p> <p>Land Reform Transformation Unit (LRTU)</p>	<p>Delay in enactment of the new constitution would derail land reforms</p> <p>Harmonization of land laws into one statute to reduce multiple allocations of title deeds is yet to be done.</p> <p>Establishment of a transparent, decentralized, affordable and efficient GIS-based Land Information Management System and a GIS-based Land registry at the Ministry of Lands is currently ongoing and is not yet complete. Local</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>Land Ownership Document replacement for owners affected by post-election violence.</p> <p>Land Reform Transformation Unit in the Ministry of Lands to facilitate the implementation of Land Reform Programme as outlined in the National Land Use Policy.</p> <p>Finalise the Land dispute Tribunal Act and strengthening of local-level mechanisms for sustainable land rights administration and management.</p>		<p>constituted in January 2009 to spearhead land reforms.</p> <p>May 2009: Ministry of Lands launched a GIS based Information Management System in the process of computerizing the Lands Ministry registry. 12th October 2009: Implementation of the first phase of the Land rent data migration begins under the Integrated Lands Rent Billing System (ILRBS) which will be launched in January 2010. On 9th February 2010, the Ministry of lands embarked on Country-wide surveys to resolve land disputes.</p> <p>Rehabilitation of Mau Forest continues with the government being actively engaged in preparing for phase III of the repossession of forestland in the Maasai Mau forest land with particular regard to two key issues ie. survey and marking of boundaries as well as analysis of land ownership.</p> <p>February 11, 2010: The minister for lands took a bold step by revoking title deeds issued to those who had acquired land illegally stressing that revocation of public utility land overrides any private interest.</p> <p>March 18, 2010: The Minister for Lands, Hon. James Orengo degazetted members of the Land Arbitration Tribunal. -In a Kenya Gazzette Notice of February 2010 after a performance review of the Tribunal revealed that it had neither received any matter touching on rent revision nor handled any</p>	<p>authorities are yet to start the process.</p> <p>Land Ownership Document replacement for owners affected by post-election violence</p> <p>Development of a National Land Use Master Plan. Strengthen local-level mechanisms for sustainable land rights administration and management.</p> <p>Review of the Land dispute Tribunal Act.</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>disputes that qualify for arbitration under the Government lands Act.</p> <p>March 31, 2010: The Minister of Lands says that 1.92 million parcels of land have been registered under the Sub- division of Trust Land. This subdivision programme covers 8.09 million hectares of land aimed at transforming Customary Land Ownership into Statutory Land Registration and empowering rural farmers to improve agriculture.</p> <p>April 2010: The Ministry of Lands embarked on the formation of a taskforce on process reengineering which is expected to look into ways of shortening the lengthy processes at the ministry. The taskforce formed in late March 2010 will involve the public and other stakeholders for better refinement of land processes.</p> <p>April - May 2010: The ministry has also embarked on the formulation of National Land Use Policy which is expected to start being implemented in July 2010. Further, the ministry has in place a Taskforce on Eviction and Resettlement Guidelines which is expected to come up with guidelines on eviction. Currently the Mau Forest evictions have taken place without a clear policy in place.</p>	
Poverty, inequality and regional imbalances	(a) Ensure equity and balance are attained in development	Implementation to be reviewed within	Ministry for Development of Northern Kenya and other Arid Lands was established in April 2008.	A major hurdle ailing the various steps to reduce poverty is the lack of proper

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>across all regions including in job creation, poverty reduction, improved income distribution and gender equity</p> <p>(b) Increase community empowerment through devolved funds for both social and income programmes, and develop local capacity to manage devolved funds</p> <p>(c) Implementation of policies and programmes that minimize the differences in income opportunities and access to social services across Kenya, with special attention to the most disadvantaged communities in the Arid and Semi-Arid Districts, urban informal settlements and pockets of poverty in high potential areas</p> <p>(d) Improve wealth creating opportunities for disadvantaged groups and regions through increased infrastructure spending in roads, water, sewerage, communications, electricity, targeting poor communities and regions.</p> <p>(e) Increase availability of affordable and accessible</p>	2-3 years	<p>Kenya's Vision 2030 prioritizes tackling poverty and addressing inequality and regional imbalances. The Vision has been operationalised in the five-year medium term plan</p> <p>Strategies and specific measures to address aforementioned issues are captured in the Medium Term Plan and Strategy for national transformation 2008-2012.</p> <p>July, 2009: A 15 Member Taskforce to hear Public views on the Constituency Development Fund (CDF) was launched.</p> <p>August, 2009: Government Lunched a 2 billion National Economic Stimulus Project on Food Production intended to put over 40,000 acres of land under irrigation throughout the country.</p> <p>August 2009: The cabinet unveiled major development projects worth 250 billion The money is to be used to fund 18 projects across the country for the next 8 years.</p> <p>November, 2009, The Interim report of the taskforce on development of a comprehensive well targeted food subsidy scheme was presented to the government.</p> <p>October 2009: The new Public Procurement and Disposal (amendment) Regulation Act, 2009 effected new changes to the CDF structure.</p>	<p>accountability mechanisms especially in the implementation of devolved funds.</p> <p>To implement the 250 billion regional development project, The ministry launched its strategic plan for the period 2008 – 2012 on 12th February 2010. The ministry will implement five development programmes to enhance integrated regional development and improve institutional capacity. This is expected to result in the creation of 213,000 to 956,000 direct and indirect jobs</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>credit, savings programmes and appropriate technologies to create an enabling environment for poor communities to take part in wealth creation</p> <p>(f) Develop an Affirmative Action Policy and enhance the Women's Enterprise Fund</p> <p>(g) Improve health infrastructure in underserved areas in the country through construction or rehabilitation of community health centers</p>		<p>October 2009: Rationalization and harmonization of hardship areas and payment of hardship allowances to teachers and civil servants approved by the cabinet.</p> <p>December 2009: The interim report of the taskforce on development of a comprehensive well targeted food subsidy scheme for Kenya set up a food subsidy scheme aimed at cushioning the poor from increasing food prices and famine. The programme, termed Saidia Jamii, will be piloted to test how the full project can be rolled out in July 2010 Where the government will disburse 600 million to a group of vulnerable people in slums.</p> <p>February 2010: The CDF taskforce report was complete and would be tabled in parliament for adoption and consequent implementation. The report recommends far reaching changes to the CDF Act.</p> <p>The CDF board is currently working on enhancing citizen participation as oversight mechanisms to integrate transparency and accountability. The CDF is also working on computerizing its operations at the grass root level.</p> <p>March 2010: The Poverty eradication Commission (PEC) with the key mandate of advising the government on poverty reduction and coordinating various stakeholders dealing with measures to fight</p>	

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>poverty is currently implementing a revolving loan fund after it received Ksh. 100 million for this venture which will target 24 districts with each getting 4 million. Once this pilot process is successful, the commission will recommend this revolving fund to be implemented in the country on full scale.</p> <p>May 2010: The Ministry of Planning, National Development and Vision 2030 has developed a concept paper recommending for the establishment of a coordinating committee at the constituency level that will oversee the disbursement of all devolved funds and harmonized implementation of all development projects. This will see devolved funds channeled through one resource basket while the committee will ensure all stakeholders are involved in the development process.</p>	
Unemployment particularly among the youth	Generate an average of 740,000 new jobs each year from 2008-2012	Review progress of implementation of the various measures within 12 months	<p>The Ministry of Youth initiated a “Youth Employment Marshall Plan”, which aimed to create over 500,000 jobs</p> <p>March, 2009: The Government launched the Kazi Kwa Vijana program. The program, which was to cost 5 Billion between March and June 2009, was aimed at creating jobs for the youth through labor intensive employment.</p>	<p>Programme requires political commitment to ensure financial challenges are addressed</p> <p>However, only 3.4 billion is set aside for the program.</p>
	Youth Enterprise Fund to be increased and mechanisms put in place for easier access to credit and collateral		<p>Strategies and specific measures to address these issues are captured in the Medium Term Plan and Strategy for national transformation 2008-2012. The Government is also implementing the Youth Marshall Plan</p>	<p>Not all youth are well organised to access this fund. As such, measures should be undertaken to build the capacity of the youth on</p>

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	<p>Youth polytechnics and Youth empowerment Centers to be revitalized and expanded in all districts to facilitate the training of young people</p> <p>Upgrade existing National Youth Service institutions and establish three new ones</p> <p>Development and enactment of a National Youth Council Bill</p> <p>Some 5,000 youth to be recruited to National Youth Service</p>		<p>aimed at creating capacity and Skills in the youth for self reliance.</p> <p>August 2009: Discussions between the government and the World Bank have been finalized to establish Kazi Kwa Vijana II, which will be a longer term, sustainable program to provide skills based employment for the youth.</p> <p>June 30, 2009: The Public Procurement Access to Youth Enterprises (PPAYE) initiative was launched to assist youth access money for projects faster.</p> <p>August, 2009: The National Youth Service recruited 3,500 youth for training</p> <p>August 2009: The Youth Council Bill (No. 6) seeks to set up a council to promote youth affairs was introduced in parliament. In December 2009, President signed into law the National Youth Council Act which provides for the establishment of a youth council to empower young people.</p> <p>Feb 2010: The National Youth service which has been riddled with lack of training and construction equipment received equipment worth 4.3 billion through a concessionary loan agreement from the republic of china negotiated by President Kibaki. NYS will now be able to undertake construction projects in the country thereby enhancing quality services and improved physical infrastructure.</p>	<p>entrepreneurship, including the need to organize themselves into groups to access the funds</p> <p>Generation of 740,000 new jobs each year from 2008-2012 has not materialized</p> <p>Revitalization and expansion of Youth polytechnics and youth empowerment centres has not taken place.</p> <p>Establishing three new National Youth Service institutions</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>March 2010: NYS announced names of successful candidates interviewed between 8th and 18th February 2010 totaling 491 candidates marking a significant number of recruitments</p>	
<p>Consolidating National Cohesion and Unity</p>	<p>Finalise and support enactment of the National Ethnic and Race Relations Bill by Parliament.</p>	<p>National Ethnic Relations Bill to be passed by Parliament within 3 months</p> <p>Review progress in implementation of the various measures within 12 months</p>	<p>The Bill was debated on 27 November 2008. It was renamed the National Cohesion and Integration Act, enacted in December 2008 and made operational in March 2009.</p> <p>The National Cohesion and Integration Act establishes the National Cohesion and Integration Commission to promote national integration.</p> <p>The relevant Parliamentary Committee conducted interviews for NCIC commissioners in April 2009 and subsequently tabled 15 names that were approved in May 2009, forwarded to the president in June 2009, commissioners were appointed in September 2009.</p> <p>The department of National Cohesion created within MOJCA has also been operationalised.</p> <p>January 2010: The NCIC began work amid several administrative challenges. So far, the NCIC has received complaints about ethnicisation of the civil service. Team decided to act upon this by emphasizing the one third rule to entrench equality in the civil service. The team will conduct a survey to map clearly where these ethnic disparities</p>	

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
			<p>exist within the civil service. The team has summoned senior politicians concerning hate speech statements.</p> <p>TJRC: Resumption of public hearings in February 2010 took place but amid great opposition with Calls for the TJRC's Chair to step down coming from Chairs of other TJRC's worldwide. Integrity of the institution's leaders questioned.</p> <p>4th February 2010: The cabinet approved a new Witness Protection (Amendment) Bill, 2010.</p> <p>February 2010: The Indemnity (Repeal) Bill 2010 introduced in parliament seeks to repeal the Indemnity Act which currently bars locals from North Eastern Province against filing any claims for compensation with respect to the shifita war of between 1963 and 1967.</p> <p>March 2010: The new Witness Protection (Amendment) Bill, 2010 was introduced in parliament on 31st March 2010. The bill seeks to establish an agency to protect whistle blowers and witnesses and further creates a witness compensation fund which will be run by the proposed Witness Protection Agency.</p> <p>April 2010: The Witness Protection (Amendment) Bill, 2010 was passed in parliament effectively allowing for the entrenchment of a witness protection agency, an appeals tribunal and a witness protection advisory board</p>	

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	Parliament and executive to initiate and sustain advocacy role on ethnic and racial harmony		<p>May 2010: TJRC begun working by conducting hearings in the Rift Valley province where they heard that conflict over land was the main cause of violence between communities in the Rift Valley. Witnesses appearing before the Truth Commission in Londiani Township, Kipkelion, requested provision of witness protection as they feared for their lives.</p> <p>In March 2008, President Kibaki and Prime Minister Odinga held a joint public peace and reconciliation rally</p> <p>Civil society organizations, the private sector involved in peace building initiatives</p> <p>June 19, 2009: The Minister for Justice appointed a Planning Committee on the National Elders Conference on Cohesion and Integration.</p> <p>August 2009: The Planning Committee on the National Elders Conference on Cohesion and Integration recruited elders who have already collected views from the public.</p> <p>August 2009: Government in partnership with USAID held workshops to train community leaders from the clash prone Molo region on dangers of negative ethnicity</p> <p>April 19-21, 2010: The Ministry of Justice National Cohesion and Constitutional Affairs</p>	<p></p> <p>The two principals have not sustained their efforts in advocating peace and reconciliation through public forums</p> <p>There is need for sustained advocacy efforts on peace and reconciliation. These efforts must of essence meaningfully engage communities to foster ownership</p>

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>Finalise the Hate Speech Bill and review the Media Act to control incitement attempts</p> <p>Establish and operationalise a policy and institutional framework for a Peace- Building and Conflict Resolution Programme (PBCR)</p> <p>Enactment of the Alternative Dispute Resolution Bill</p> <p>Extending District Peace Committee framework to entire country and link it to District Security Committees</p> <p>Finalize Hate Speech Bill and review the Media Act to control incitement attempts</p>		<p>(MoJNCCA) launch the first National Elders Conference The Conference theme was One Nation, One People, One Destiny.</p> <p>The Communications of Kenya (Amendment) Act 2008 enacted to instil responsibility in the media.</p> <p>July 23, 2009: President Kibaki assented into law the Statute law (Miscellaneous Amendment) bill 2009 which contains a crucial amendment to the Kenya Information and Communications (Amendment) Act 2009. The amendment is a deletion of section 88 of the Kenya Information and communications Act.</p> <p>Further, the same statute passed an amendment to The Media Act 2007 allowing the Media Council to be funded by the Treasury.</p> <p>The National Cohesion and Integration Act under section 13 mandates the NCIC to enforce all forms of hate speech.</p> <p>June 2010: An Assistant Minister, three MPs and a political activist are arraigned in court for Hate Speech. Hon. William Ruto is summoned by the NCIC over the same</p>	<p>The Communications Act was faulted as having clauses that seek to curtail media freedom.</p> <p>Establish and operationalise a policy and institutional framework for a Peace-Building and Conflict Resolution Programme (PBCR)</p> <p>Enactment of the Alternative Dispute Resolution Bill.</p> <p>Extending District Peace Committee framework to entire country and link it to District Security Committees.</p>
Transparency, accountability and	Strengthen and improve capacity of anti-corruption agencies and	Review progress of implementation	There was no data to indicate that any steps are being taken to strengthen the capacities of	fighting corruption have limited capacity and lack

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
impunity	<p>strengthen the laws to fight corruption¹ Strengthen the policy, legal and institutional framework for increased public transparency and accountability, anti-corruption, ethics and integrity, including through the development of a national anti-corruption policy, enactment of necessary legislation, and systems and capacity enhancements to strengthen the National Audit Office</p> <p>Undertake programmes to support improved prosecution and adjunction of corruption and economic crimes, and improved oversight and consideration of anti-corruption and audit reports by Parliament</p> <p>Enhancing capacity and performance in the Investigation and Asset Tracing Programme, the Civil Litigation and Asset Recovery Programme, the National Anti-corruption Awareness Campaign and District Anti-Corruption Civilian Oversight Committees</p> <p>Continuous monitoring of the public Officer Ethics Act</p>	within 6 months	<p>anti-corruption agencies and laws. To the contrary, reports indicate a significant rise in corruption cases.</p> <p>May 8, 2009: Government Advertises for Public input on the anticipated Review of the Public Procurement and Disposal Act.</p> <p>May 2009: Mutual Legal Assistance Bill to facilitate against corruption was drafted</p> <p>May 2007: The president assented to the new Kenya Anti Corruption Advisory Board Names of the members were gazetted on the June 2009.</p> <p>August 2009: The President extended the term of the National Anti corruption Steering Committee giving them two more years.</p> <p>October 2009: The Anti Corruption and Economic Crimes (repeal) Bill which seeks to repeal the Anti Corruption and Economic Crimes Act, 2003 was published in October 2009.</p> <p>October 2009: on Kenyatta day President Kibaki ordered permanent secretaries to sack any officers working under them who engage in corruption.</p> <p>October 2009: The minister of state for planning and national development launched the 2nd APRM country review mission to end</p>	<p>prosecutorial powers.</p> <p>Undertake programmes to support improved prosecution and adjunction of corruption and economic crimes, and improved oversight and consideration of anti-corruption and audit reports by Parliament</p> <p>Enhancing capacity and performance in the Investigation and Asset Tracing Programme, the Civil Litigation and Asset Recovery Programme, the National Anti-corruption Awareness Campaign and District Anti-Corruption Civilian Oversight Committees</p> <p>Lack of mechanisms to continuously monitor the Public Officer Ethics Act.</p> <p>Reviewing the effectiveness of the Public Procurement Authority</p> <p>Review the effectiveness of the Privatization Commission</p> <p>Operationalization and</p>

¹ See matrix by Kenya National Dialogue and Reconciliation.

Issue	Expected action	Timeframe	Progress towards implementation	Pending/Remarks
	<p>Revitalize Public Financial Management including the management of devolved funds such as the CDF, LGTF and Road Maintenance Levy</p> <p>Expand capacity of District- Anti-Corruption Civilian Oversight Committees to monitor management of devolved funds and stigmatise corruption</p> <p>Review the effectiveness of the Public Procurement Authority and strengthen the office of the Ombudsman</p> <p>Finalize and operationalize the GJLOS policy framework and establish a comprehensive GJLOS Policy review and update process</p> <p>Sustain the APRM process by ensuring assessment of Government (executive, legislative and judiciary) performance and accountability</p>		<p>in November 2009.</p> <p>February 2010: The President signed into law the Proceeds of Crime and Anti Money Laundering Act, 2009.</p> <p>February 2010: A number of Permanent Secretaries were ordered to step aside pending investigations of alleged theft of public funds.</p> <p>May 2010: The permanent secretaries ordered to step aside over graft are reinstated raising questions as to the integrity of the investigation process.</p> <p>June 2010, the President suspends an Assistant Minister (Machage) for three months over allegations of Hate Speech</p>	<p>capacity-building of the Public Complaints Standing Committee (The Ombudsman)</p>